

FILED '06 DEC 20 07:28 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**LORI GAITHER,**  
**Plaintiff,**

**06-CV-549-SU**

**ORDER**

**v.**

**MICHAEL B. MARSH,**  
**Defendant.**

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Attorneys for Plaintiff

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**BROWN, Judge.**

Magistrate Judge Patricia Sullivan issued Findings and Recommendation (#20) on October 26, 2006, in which she recommended the Court grant Defendant's Motion to Dismiss (#4) and grant Plaintiff leave to file an Amended Complaint. Plaintiff filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. This Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Sullivan's Findings and Recommendation (#20). Accordingly, the Court **GRANTS** Defendant's

Motion to Dismiss and **GRANTS** Plaintiff leave to file no later than January 8, 2007, an Amended Complaint curing the deficiencies in her original Complaint consistent with the Findings and Recommendation.

IT IS SO ORDERED.

DATED this 19<sup>th</sup> day of December, 2006.

  
ANNA J. BROWN  
United States District Judge